

REMARKS

Claims 1-3, 6-23, 25-34, 36-45, 47-55, 58 and 60-68 are pending in the application.

Claims 1-3, 6-23, 25-34, 36-45, 47-55, 58 and 60-68 have been rejected.

Claims 15, 21, 32, 33, 45, 47-50, 52-55, 58, and 60-67 have been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 45, 47-55, 58 and 59-67 stand rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Applicants have chosen to overcome this rejection by amendment. Applicants have amended claims 45 and 55 to include a server computer coupled to a client computer. Applicants have amended claims 58 and 60-67 to include a computer readable storage medium configured to store the modules recited in the claims. Applicants respectfully submit that these amendments made are sufficient to overcome the § 101 rejections presented herein. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. §112

Claims 1-3, 6-23, 25-34, 36-45, 47-55, 58, and 60-68 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection. The Office Action lists a number of descriptions of the claimed "wait request" taken from the Specification, and states that the Specification does not describe that the wait request is other than a request for information. Office Action, p. 5. Applicants respectfully submit that all of the descriptions listed describe the wait request as "other than a request for information." This is necessarily so since none of the descriptions listed describes the wait request as a requesting information. Since none of the descriptions of a wait request listed by the Office Action describes the wait request as requesting information, the descriptions all, by definition, describe the wait request as "other than a request for information."

Claims 1-3, 6-23, 25-34, 36-45, 47-55, 58, and 60-68 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse this rejection. The Office Action states that “the incoming event is an event other than a request for information” and “the wait request is other than a request for information” are negative limitations. Office Action, p. 6. The Office Action points out that “[i]f alternative elements are positively recited in the specification, they may be explicitly excluded in the claims.” Office Action, p. 6 (citing MPEP § 2173.05(i)).

Applicants respectfully point out that the Specification positively recites alternatives to the claim limitations in question, thus the explicit exclusion of those alternatives is allowable. For example, the Specification discloses that an incoming event could be an incoming telephone call. *See* Specification, p. 13, ll. 26. Clearly an incoming telephone call can be a request for information. The Specification also discloses that a wait request could be a request for information. *See, e.g.,* Specification, p. 2, ll. 19-21.

Applicants respectfully submit that since the Specification positively recites the alternatives that the claimed incoming event and request for information could be requests for information or could be other than requests for information, the exclusion of the alternative in which the claimed incoming event and request for information are requests for information is proper. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. § 102(e)

Claim 22 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,763,384 issued to Gupta et al. (“Gupta”). Applicants respectfully traverse this rejection. As discussed in more detail below, Applicants respectfully submit that Gupta fails to teach each element of claim 22. For example, claim 22 recites “the wait request is other than a request for information from the web server.” Applicants respectfully submit that Gupta fails to teach at least this feature.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-3, 6-21, 23, 25-34, 36-45, 47-55, 58, and 60-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of U.S. Patent 5,928,325 issued to Shaughnessy et al. ("Shaughnessy"). Applicants respectfully traverse this rejection and submit that the proposed combination of Gupta and Shaughnessy fails to teach each element of Applicants' claims.

On page 9, the Office Action states that the claimed feature "causing the web browser to provide a wait request to the web server" is taught by the following passage of Gupta:

When the client process 110 is ready to receive messages, it registers itself with the notification server 30. The registration information required by the notification server 30 will comprise the identity of the client process 110 together with a receiving address identifier. The receiving address identifier could, for example, include an IP (Internet Protocol) address and port number, together with the protocol to be used.

Gupta, 5:49-56. Applicants respectfully submit that the above passage fails to teach the claimed feature "causing the web browser to provide a wait request to the web server". Applicants point out that the MPEP provides that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP 2141.02 (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The Office Action posits that the above passage teaches the registry of a client process. Office Action, p. 3. However, the Office Action fails to recognize that the client is registering to receive specific messages which the client must explicitly request (by providing a list of desired messages). *See* Gupta, 5:43-47. In Gupta's system, without requesting the specific messages the client is interested in, registering is completely ineffective and does not result in any messages being provided to the client. As Applicants have previously argued, Applicants' claims differ from Gupta in this respect, among others. Gupta requires that a user request specific information, namely which messages or updates the user wishes to receive. By contrast, Applicants claim a wait request which enables the pushing of an asynchronous message without requesting specific information.

Applicants note that Shaughnessy is not cited as purportedly disclosing these features and respectfully submit that Shaughnessy does not disclose a wait request which is other than a request for information. Based, at least, on these differences between Applicants' claims and the cited references, Applicants respectfully submit that the proposed combination of Gupta and Shaughnessy fails to disclose each element of Applicants' claims. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



Shawn Doman
Attorney for Applicants
Reg. No. 60,362
Telephone: (512) 439-5092
Facsimile: (512) 439-5099